

ESTTA Tracking number: **ESTTA741154**

Filing date: **04/20/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Annick Goutal
Granted to Date of previous extension	04/20/2016
Address	14 rue de Castiglione Paris, 75001 FRANCE

Attorney information	Julie B. Seyler ABELMAN FRAYNE & SCHWAB 666 Third Avenue NY, NY 10017 UNITED STATES jbseyler@lawabel.com Phone:212-949-9022
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### Applicant Information

Application No	86719163	Publication date	12/22/2015
Opposition Filing Date	04/20/2016	Opposition Period Ends	04/20/2016
Applicant	yzy inc 6300 now 72nd avenue miami, FL 33160 UNITED STATES		

### Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Colognes, perfumes and cosmetics; Eau de toilette and eau de cologne; Perfumes,eau de colognes and aftershaves
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2787896	Application Date	11/10/2000
Registration Date	12/02/2003	Foreign Priority Date	NONE
Word Mark	PETITE CHERIE		

Design Mark	<b>PETITE CHERIE</b>
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1998/02/14 First Use In Commerce: 1998/03/16 PERFUMES, TOILET WATERS, BODY CREAMS, NON-MEDICATED BATH SALTS, BATH FOAMS, SHOWER GELS, AND PERFUMED SOAPS

Attachments	76162356#TMSN.png( bytes ) CHERIE Notice of Opposition.pdf(235917 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Julie B. Seyler/
Name	Julie B. Seyler
Date	04/20/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. 86/719163  
Published December 22, 2015

<p>Annick Goutal</p> <p style="text-align: right;"><i>Opposer,</i></p> <p style="text-align: center;">v.</p> <p>YZY Inc.</p> <p style="text-align: right;"><i>Applicant</i></p>	<p>Opposition No.</p>
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**NOTICE OF OPPOSITION**

Annick Goutal, a societe anonyme organized and existing under the laws of France, with an office at 14 rue de Castiglione, Paris, France, believes that it will be damaged by registration of the mark shown in Application Serial No. 86/719163 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark CHERIE for colognes, perfumes and cosmetics; eau de toilette and eau de cologne; perfumes, eau de colognes and aftershaves.
2. Opposer is the owner of all right, title and interest in and to the trademark PETITE CHERIE.
3. Opposer is the owner of incontestable Registration No. 2,787,896 for PETITE CHERIE for perfumes, toilet waters, body creams, non-medicated bath salts, bath foams, shower gels, and perfumed soaps.

4. Pursuant to 37 C.F.R. 1.122(d)(1) annexed hereto as Exhibit A is a printout from the electronic database records of the USPTO, namely TARR and the Assignment Records, that shows that the current status and title of Registration No. 2,787,896 is in the name of Opposer.

5. Opposer has used its mark PETITE CHERIE in commerce since long prior to the August 9, 2015 the filing date of Applicant's intent to use trademark filing for CHERIE.

6. Opposer has priority.

7. Opposer's trademark PETITE CHERIE is renowned in its field of use.

8. Applicant's mark CHERIE is substantially similar to Opposer's mark PETITE CHERIE.

9. Applicant's mark incorporates CHERIE in its entirety.

10. The commercial impression of Applicant's mark CHERIE would lead purchasers to mistakenly assume there is a source connection with Opposer's trademark.

11. Applicant's goods are identical to or otherwise commercially related to Opposer's goods.

12. Applicant's goods would be likely to travel in the identical trade channels, be sold in the identical retail outlets, and be purchased by the identical class of consumers as Opposer's goods.

13. In view of the fact that the marks are substantially similar in sound, meaning and appearance and given the commercial relationship between the goods, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 86/719163 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,

  
JULIE B. SEYLER


*Attorney for Opposer*

**ABELMAN, FRAYNE & SCHWAB**  
**666 Third Avenue**  
**New York, New York 10017**  
**(212) 949-9022**

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid this 20<sup>th</sup> day of April, 2016 upon the following:

YZY Inc.  
8300 NW 72<sup>nd</sup> Avenue  
Miami, Florida 33160

  
JULIE B. SEYLER

## **EXHIBIT A**

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Mark: PETITE CHERIE

PETITE CHERIE

US Serial Number: 76162356

Application Filing Date: Nov. 10, 2000

US Registration Number: 2787896

Registration Date: Dec. 02, 2003

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Dec. 11, 2013

Publication Date: Sep. 09, 2003

## Mark Information

Mark Literal Elements: PETITE CHERIE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Translation: The English translation of "PETITE CHERIE" is "little darling".

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: PERFUMES, TOILET WATERS, BODY CREAMS, NON-MEDICATED BATH SALTS, BATH FOAMS, SHOWER GELS, AND PERFUMED SOAPS

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 14, 1998

Use in Commerce: Mar. 16, 1998

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Annick Goutal

Owner Address: 14 rue de Castiglione  
75001 Paris

FRANCE  
Legal Entity Type: SOCIETE ANONYME

State or Country FRANCE  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: LAWRENCE E. ABELMAN

Docket Number: 992400

### Correspondent

Correspondent Name/Address: LAWRENCE E. ABELMAN  
ABELMAN FRAYNE & SCHWAB  
666 THIRD AVENUE  
NEW YORK, NEW YORK 10017-5621  
UNITED STATES

### Domestic Representative

Domestic Representative Name: LAWRENCE E. ABELMAN

## Prosecution History

Date	Description	Proceeding Number
Dec. 11, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Dec. 11, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Dec. 11, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75461
Nov. 25, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	75461
Dec. 11, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Nov. 25, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 19, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Jun. 18, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Jun. 01, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jun. 01, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 11, 2008	CASE FILE IN TICRS	
Dec. 02, 2003	REGISTERED-PRINCIPAL REGISTER	
Sep. 09, 2003	PUBLISHED FOR OPPOSITION	
Aug. 20, 2003	NOTICE OF PUBLICATION	
Jul. 08, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 11, 2003	SEC. 44(E) CLAIM DELETED	76532
Apr. 11, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 11, 2003	FAX RECEIVED	
Oct. 15, 2002	ASSIGNED TO EXAMINER	61272
Oct. 11, 2002	NON-FINAL ACTION MAILED	
Oct. 10, 2002	ASSIGNED TO EXAMINER	61272
Jun. 10, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 10, 2001	NON-FINAL ACTION MAILED	
Oct. 05, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 05, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 02, 2001	NON-FINAL ACTION MAILED	
Apr. 30, 2001	ASSIGNED TO EXAMINER	78048

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 02, 2013



# TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 11, 2013